

EXHIBIT “U”

Fill in this information to identify the case:

Debtor 1 Blue Diamond Air Systems, Inc.
 Debtor 2 _____
 (Spouse, if filing) _____
 United States Bankruptcy Court Eastern District of New York
 Case number: 22-72698

FILED
 U.S. Bankruptcy Court
 Eastern District of New York
 5/30/2023
 Robert A. Gavin, Clerk

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Sheet Metal Workers' National Pension Fund</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? <u>Sheet Metal Workers' National Pension Fund</u> Name 3180 Fairview Park Dr., Suite 400 Falls Church, VA 22042 Contact phone <u>7037397048</u> Contact email <u>keddis@smwnbf.org</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>27</u> Filed on <u>12/02/2022</u> <div style="text-align: right;">MM / DD / YYYY</div>	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>0755</u>
7. How much is the claim?	\$ <u>19087733.76</u> <div style="float: right; text-align: right;"> Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). </div>
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as healthcare information. Provisional withdrawal liability assessment owed to a multiemployer pension fund. _____
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply:</i>	<p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____</p> <p><input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(_) that applies \$ _____</p>	Amount entitled to priority
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* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- ☒ I am the creditor.
☐ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 5/30/2023
 MM / DD / YYYY

/s/ Kevin Eddis

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Kevin Eddis</u>		
	First name	Middle name	Last name
Title	<u>Legal Specialist</u>		
Company	<u>Sheet Metal Workers' National Pension Fund</u>		
Address	Identify the corporate servicer as the company if the authorized agent is a servicer		
	<u>3180 Fairview Park Dr., Suite 400</u>		
	Number Street		
	<u>Falls Church, VA 22042</u>		
Contact phone	City State ZIP Code		Email
	<u>7037397048</u>		
	<u>keddis@smwnbf.org</u>		

Exhibit I

Sheet Metal Workers' National Pension Fund
Determination of Employer Withdrawal Liability Payments
For Withdrawals During the Plan Year Ending December 31, 2022

Year Ended	Unamortized Balance of Withdrawal Liability Pools					Contributions			Employer's Share of Unamortized Pools
	Basic Pools	Reallocated Pools		Total Pools	5-Year Total, Adjusted for Withdrawn	Blue Diamond		5-Year Total	
		As of 12/31	As of 12/31			As of 12/31	Air Systems (020755 & 132677)		
1998						536,151.65			
1999						479,733.06			
2000						518,752.66			
2001						405,097.72			
2002	34,783,917	37,738	-	34,821,655	1,156,086,641	580,028.84	2,519,764	75,896.00	
2003	13,876,274	169,463	-	14,045,737	1,180,264,191	470,246.93	2,453,859	29,202.16	
2004	58,488,440	670,622	-	59,159,062	1,193,749,349	644,861.24	2,618,987	129,790.09	
2005	43,900,950	116,993	-	44,017,943	1,210,189,788	703,603.59	2,803,838	101,983.34	
2006	164,943,572	442,023	-	165,385,595	1,275,299,752	861,012.84	3,259,753	422,736.90	
2007	105,113,107	822,134	-	105,935,241	1,367,978,490	1,254,882.64	3,934,607	304,693.07	
2008	(58,327,119)	294,942	145,581,742	87,549,565	1,498,738,835	1,263,272.81	4,727,633	276,167.01	
2009	203,750,758	2,034,870	28,589	205,814,217	1,579,997,694	1,481,238.48	5,564,010	724,781.08	
2010	250,320,019	4,133,259	27,173,402	281,626,680	1,618,194,282	1,108,992.15	5,969,399	1,038,899.98	
2011	295,002,559	3,419,629	4,270,500	302,692,688	1,654,151,482	1,805,019.52	6,913,406	1,265,082.04	
2012	376,348,656	4,714,321	88,262	381,151,239	1,689,780,634	2,010,617.33	7,669,140	1,729,870.89	
2013	96,090,816	3,977,627	948,577	101,017,020	1,706,299,106	1,892,406.45	8,298,274	491,277.82	
2014	402,267,375	8,625,013	-	410,892,388	1,791,923,116	2,098,439.92	8,915,475	2,044,340.48	
2015	565,036,525	6,129,896	-	571,166,421	1,947,039,073	1,963,325.30	9,769,809	2,865,985.92	
2016	477,483,987	550,615	-	478,034,602	2,112,433,865	1,797,326.55	9,762,116	2,209,124.32	
2017	186,164,480	8,519,014	-	194,683,494	2,284,129,430	1,994,057.09	9,745,555	830,644.15	
2018	298,607,981	600,086	-	299,208,067	2,491,259,424	2,669,662.33	10,522,811	1,263,822.61	
2019	283,709,674	1,240,162	-	284,949,836	2,672,928,838	2,666,111.70	11,090,483	1,182,310.30	
2020	681,333,703	10,388,944	-	691,722,647	2,758,301,968	2,522,005.02	11,649,163	2,921,358.77	
2021	(197,329,489)	674,611	(196,654,878)	(196,654,878)	2,821,772,568	1,917,571.74	11,769,408	(820,233.17)	
	4,281,566,185	57,561,962	178,091,072	4,517,219,219					

Gross allocable amount of unfunded vested benefits

De minimis reduction

A. Excess assessment (over \$100,000)

B. Lesser of 50,000 and 0.75% of UJB

C. [B]-[A] not less than zero

Net allocable amount of unfunded vested benefits*

* Does not reflect any impact of any partial withdrawal, limitation on annual payments or sale of assets

Exhibit II

**Sheet Metal Workers' National Pension Fund
Determination of Employer Withdrawal Liability Payments
For Withdrawals During the Plan Year Ending December 31, 2022**

Employer Name: Diamond Air Systems (020755 & 132677)
Date of Withdrawal: 1/24/2023
Date of Notice: 3/21/2023
Net Withdrawal Liability Assessment: \$19,087,733.76

<u>Plan Year Ended 12/31</u>	<u>Employer Contributions</u>	<u>Contribution Rate</u>	<u>Hours for Which Contributions Were Required</u>	<u>3-Year Average Hours</u>
2013	1,892,406	12.67	149,361.20	
2014	2,098,440	13.56	154,752.21	
2015	1,963,325	14.51	135,308.43	146,473.95
2016	1,797,327	15.53	115,732.55	135,264.40
2017	1,994,057	17.08	116,748.07	122,596.35
2018	2,669,662	18.28	146,042.80	126,174.47
2019	2,666,112	18.28	145,848.56	136,213.14
2020	2,522,005	16.62	151,745.19	147,878.85
2021	1,917,572	16.95	113,131.08	136,908.28
2022	2,036,579	18.15	112,208.23	125,694.83
2023		18.15	0.00	

Payment Amount:

a) Average hours during highest consecutive 3-year period: 147,878.85
b) Highest hourly contribution rate during 10-year period: \$18.28
c) Annual payment: ((a)x(b)) \$2,703,225.38
d) Quarterly payment: ((c)/4) **\$675,806.35**

Exhibit III

Sheet Metal Workers' National Pension Fund
 Schedule Of Employer Withdrawal Liability Payments

Interest = 7.50%

Employer Name: Blue Diamond Air Systems (020755 & 132677)
 Date of Withdrawal: 1/24/2023
 Net Withdrawal Liability Assessment: \$19,087,733.76

100%
\$19,087,733.76

Payment Number	Estimated Payment Date	Balance Owed	Quarterly Payment Amount	Principal Balance	Annual Interest	Cumulative Principal	Cumulative Interest
1	May 1, 2023	\$19,087,733.76	\$675,806.35	\$18,411,927.41		675,806.35	\$0.00
2	August 1, 2023	18,411,927.41	675,806.35	17,736,121.06		1,351,612.70	0.00
3	November 1, 2023	17,736,121.06	675,806.35	17,060,314.71		2,027,419.05	0.00
4	February 1, 2024	17,060,314.71	675,806.35	16,384,508.36		2,703,225.40	0.00
5	May 1, 2024	17,613,346.49	675,806.35	16,937,540.14	\$1,228,838.13	2,150,193.62	1,228,838.13
6	August 1, 2024	16,937,540.14	675,806.35	16,261,733.79		2,825,999.97	1,228,838.13
7	November 1, 2024	16,261,733.79	675,806.35	15,585,927.44		3,501,806.32	1,228,838.13
8	February 1, 2025	15,585,927.44	675,806.35	14,910,121.09		4,177,612.67	1,228,838.13
9	May 1, 2025	16,028,380.17	675,806.35	15,352,573.82	1,118,259.08	3,735,159.94	2,347,097.21
10	August 1, 2025	15,352,573.82	675,806.35	14,676,767.47		4,410,966.29	2,347,097.21
11	November 1, 2025	14,676,767.47	675,806.35	14,000,961.12		5,086,772.64	2,347,097.21
12	February 1, 2026	14,000,961.12	675,806.35	13,325,154.77		5,762,578.99	2,347,097.21
13	May 1, 2026	14,324,541.38	675,806.35	13,648,735.03	999,386.61	5,438,998.73	3,346,483.82
14	August 1, 2026	13,648,735.03	675,806.35	12,972,928.68		6,114,805.08	3,346,483.82
15	November 1, 2026	12,972,928.68	675,806.35	12,297,122.33		6,790,611.43	3,346,483.82
16	February 1, 2027	12,297,122.33	675,806.35	11,621,315.98		7,466,417.78	3,346,483.82
17	May 1, 2027	12,492,914.68	675,806.35	11,817,108.33	871,598.70	7,270,625.43	4,218,082.52
18	August 1, 2027	11,817,108.33	675,806.35	11,141,301.98		7,946,431.78	4,218,082.52
19	November 1, 2027	11,141,301.98	675,806.35	10,465,495.63		8,622,238.13	4,218,082.52
20	February 1, 2028	10,465,495.63	675,806.35	9,789,689.28		9,298,044.48	4,218,082.52
21	May 1, 2028	10,523,915.98	675,806.35	9,848,109.63	734,226.70	9,239,624.13	4,952,309.22
22	August 1, 2028	9,848,109.63	675,806.35	9,172,303.28		9,915,430.48	4,952,309.22
23	November 1, 2028	9,172,303.28	675,806.35	8,496,496.93		10,591,236.83	4,952,309.22
24	February 1, 2029	8,496,496.93	675,806.35	7,820,690.58		11,267,043.18	4,952,309.22
25	May 1, 2029	8,407,242.37	675,806.35	7,731,436.02	586,551.79	11,356,297.74	5,538,861.01
26	August 1, 2029	7,731,436.02	675,806.35	7,055,629.67		12,032,104.09	5,538,861.01
27	November 1, 2029	7,055,629.67	675,806.35	6,379,823.32		12,707,910.44	5,538,861.01
28	February 1, 2030	6,379,823.32	675,806.35	5,704,016.97		13,383,716.79	5,538,861.01
29	May 1, 2030	6,131,818.24	675,806.35	5,456,011.89	427,801.27	13,631,721.87	5,966,662.28
30	August 1, 2030	5,456,011.89	675,806.35	4,780,205.54		14,307,528.22	5,966,662.28
31	November 1, 2030	4,780,205.54	675,806.35	4,104,399.19		14,983,334.57	5,966,662.28
32	February 1, 2031	4,104,399.19	675,806.35	3,428,592.84		15,659,140.92	5,966,662.28
33	May 1, 2031	3,685,737.30	675,806.35	3,009,930.95	257,144.46	16,077,802.81	6,223,806.74
34	August 1, 2031	3,009,930.95	675,806.35	2,334,124.60		16,753,609.16	6,223,806.74
35	November 1, 2031	2,334,124.60	675,806.35	1,658,318.25		17,429,415.51	6,223,806.74
36	February 1, 2032	1,658,318.25	675,806.35	982,511.90		18,105,221.86	6,223,806.74
37	May 1, 2032	1,056,200.29	675,806.35	380,393.94	73,688.39	18,707,339.82	6,297,495.13
38	August 1, 2032	380,393.94	380,393.94				
Totals			\$25,385,228.89		\$6,297,495.13		